

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-99-BR

THEODORE JUSTICE,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
DR. TIMOTHY FARLEY,)	
)	
Defendant.)	

This matter is before the court on *pro se* plaintiff's 23 March 2012 "motion for temporary restraining order and a preliminary injunction." (DE # 60.) Pursuant to this court's order dated 26 March 2012 (DE # 62), defendant filed a response to plaintiff's motion on 3 April 2012 (DE # 67).

The court has carefully considered plaintiff's application and the entire record in accordance with Rule 65 of the Federal Rules of Civil Procedure. See Winter v. Natural Res. Def. Council, Inc., 129 S. Ct. 365, 374-76 (2008); Real Truth About Obama, Inc. v. FEC, 575 F.3d 342, 345-48 (4th Cir. 2009), vacated on other grounds, 130 S. Ct. 2371 (2010), reinstated in relevant part on remand, 607 F.3d 355 (4th Cir. 2010) (*per curiam*). "[I]njunctive relief [is] an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." Winter, 129 S. Ct. at 376 (citation omitted).

Plaintiff's motion and subsequent filings assert that his son has been denied enrollment and appropriate special education services at Stovall-Shaw Elementary School since plaintiff first attempted to re-enroll his son at the school on or about 21 March 2012. In his response to plaintiff's motion, defendant acknowledges that plaintiff is entitled to enroll his son at the

school. (DE # 67 at 2 ¶ 2.) Defendant has also informed the court that plaintiff's son began attending Stovall-Shaw Elementary School on 28 March 2012 and that plaintiff's son is being provided special education services based on the Individualized Education Plan that was in effect when the child last was enrolled in the Granville County Schools. (Id. ¶¶ 6-7.) Furthermore, defendant represents that school staff have contacted plaintiff to schedule meetings to update his son's Individualized Education Plan. (Id. ¶ 8.) As a result, plaintiff has failed to demonstrate irreparable harm or any of the other requirements necessary to obtain a temporary restraining order or a preliminary injunction. Therefore, plaintiff's motion is DENIED.

This 4 April 2012.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge